

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO. 12-223

v.

*

SECTION: C

NESTOR ALBERTO DURAN-ESQUIVEL

*

a/k/a Nestor Alberto Delosantos

a/k/a Nestor Alberto Esquivel

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **NESTOR ALBERTO DURAN-ESQUIVEL** (hereinafter “**DURAN-ESQUIVEL**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter the “agent”) would testify that on or about June 9, 2012, Immigration and Customs Enforcement (hereinafter “ICE”) was notified through the Secured Communities program that the defendant, **DURAN-ESQUIVEL**, was in state custody at Jefferson Parish Correctional Center, in the Eastern District of Louisiana. The ICE agent

would testify that the Secured Communities program uses Federal fingerprint-based biometric information to identify aliens who are arrested for a crime and booked into local law enforcement custody. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an ICE agent.

The ICE agent would testify that he administratively processed the defendant and conducted record checks through various U.S. Department of Homeland Security databases, which revealed that the defendant was a citizen of El Salvador and illegally present in the United States.

Documentation from the records of ICE, contained in the defendant's Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **DURAN-ESQUIVEL**, was removed from the United States to El Salvador on or about May 17, 2002, at or near Houston, Texas. A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are a match. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from U.S. Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **DURAN-ESQUIVEL**, did not receive consent from the U.S. Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further documents, court records, and other admissible evidence would show that on or

about September 9, 1991, in the One hundred seventy-ninth District Court of Harris County, Texas,
the defendant, **DURAN-ESQUIVEL**, was convicted of delivery of a controlled substance, to wit:
cocaine.

ROBERT WEIR
Special Assistant United States Attorney

Date

NESTOR ALBERTO DURAN-ESQUIVEL
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date